

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PRINCE ALBERT RANKIN III,	:	NO. 1:94-CR-00051
	:	
Petitioner,	:	
	:	
v.	:	OPINION AND ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	

This matter is before the Court on Petitioner's pro se Motion for Reconsideration of the Court's January 26, 2006 Order Denying Rule 60(b) Petition (doc. 184), the Respondent's Response in Opposition (doc. 185), and Petitioner's Reply (doc. 186).

In its previous Order, the Court found Petitioner did not demonstrate the requisite "extraordinary circumstances" justifying a grant of leave to file a habeas corpus petition out of time, in light of case law precluding equitable tolling for ineffective assistance of counsel (doc. 183). Petitioner argues in his motion that the Court failed to consider his "excusable ignorance" of the limitations period argument, and failed to apply 28 U.S.C. § 2244(d)(1)(D), based on newly discovered evidence (doc. 184). The government responds that Petitioner's arguments were fully addressed in the Court's prior Order because there are no "extraordinary circumstances" justifying the application of equitable tolling (doc. 185). Petitioner replies that the government fails to challenge the arguments in his motion (doc.

186).

Having reviewed this matter, the Court finds no basis to reconsider its conclusion that Petitioner is not entitled to equitable tolling. Ineffective assistance of counsel provides no basis for "excusable ignorance," and the exercise of "due diligence" under 28 U.S.C. § 2244(d)(1)(D) is not met where one relies on ineffective counsel to one's detriment. Accordingly, the Court DENIES Petitioner's Motion for Reconsideration of Judgment Entered on January 26, 2006 Denying Rule 60(b) Petition (doc. 184). This matter is CLOSED.

SO ORDERED.

Dated: April 18, 2006

s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge